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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,064	02/04/2004	B. Alex Robinson	AOL0024C	6039
22862	7590	10/09/2007		
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER SMITH, SHEILA B	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,064

Applicant(s)

ROBINSON ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-11, 16-22 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6-11, 17-22 and 26, 28-39 is/are rejected.
- 7) ☐ Claim(s) 5, 16 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 4,6-11,17-22 and 26,28-39 rejected under 35 U.S.C. 102(e) as being anticipated by Startup et al. (U.S. Patent Number 5,940,379).

Regarding claim 34, Startup et al. discloses all the claimed invention as set fourth in the instant application, also Startup et al. discloses a apparatus and method for using multiple spreading codes for data transmission in a satellite communication system, in addition Startup et al. discloses a facilitating messaging between a mobile device and a user, the method comprising steps of: providing a plurality of reserved routing codes for exchanging messages between users and mobile devices (which reads on column 2 lines 60-67 and column 3 lines 1-30); in response to receiving a message from the user directed to the mobile device, temporarily associating one of the routing codes with the user (which reads on column 2 lines 60-67 and column 3 lines 1-30); including the temporarily associated routing code in the message as a reply address (which reads on column 2 lines 60-67 and column 3 lines 1-30); and transmitting the message with the included temporarily associated routing code to the mobile device (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 35, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a receiving a reply message from the mobile

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device directed to the temporarily associated routing code; and transmitting the reply message to the user (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 4, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a messages comprise instant messages (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 6, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a step of exchanging messages comprises steps of: sending a message to said mobile user by said second user; receiving said message at said instant messaging system; capturing said second user's personal identifier by an instant messaging system; assigning a routing code to said second user's personal identifier; and sending said message to said mobile user (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 7, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a step of exchanging messages comprises steps of: receiving a message at said mobile unit from said second user, wherein said second user's personal identifier has previously been associated with a second routing code; and replying to said received message by said mobile user by means of an automated 'reply' function on said mobile unit (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 8, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a assignment of a routing code to said second

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user persists for the duration of a user session (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 9, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a routing codes for assignment to a second user are recycled during a user session if the number of second users exceeds the routing codes available for second users (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 10, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a step of: preventing occurrence of a condition wherein different second users are associated with the same routing code (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 11, Startup et al. discloses everything claimed, as applied above (see claims 34) additionally, Startup et al. discloses a step of preventing comprises any of the steps of: delaying delivery of a message from said second user pending confirmation of said mobile user's interest in receiving said message; and providing sufficient routing codes that recycling of codes is unlikely to be necessary (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claim 36, Startup et al. discloses all the claimed invention as set fourth in the instant application, also Startup et al. discloses a apparatus and method for using multiple spreading codes for data transmission in a satellite communication system, in addition Startup et

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al. discloses a computer program product, said computer program product comprising a tangible medium with computer-readable code embodied thereon, Said computer-readable code including code means for performing the steps of a method of facilitating .messaging between a mobile device and a user (which reads on column 2 lines 60-67 and column 3 lines 1-30), the method comprising steps of: providing a plurality of reserved routing codes for exchanging messages between users and mobile devices; in response to receiving a message from the user directed to the mobile device (which reads on column 10 lines 36-46), temporarily associating one of the routing codes with the user (which reads on column 2 lines 60-67 and column 3 lines 1-30); including the temporarily associated routing code in the message as a reply address (which reads on column 2 lines 60-67 and column 3 lines 1-30); and transmitting the message with the included temporarily associated routing code to the mobile device (which reads on column 10 lines 21-36).

Regarding claim 37, Startup et al. discloses all the claimed invention as set fourth in the instant application, also Startup et al. discloses a computer program product of comprising: receiving a reply message from the mobile device directed to the temporarily associated routing code (which reads on column 2 lines 60-67 and column 3 lines 1-30); and transmitting the reply message to the user (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claims 17-22, they disclose an apparatus corresponding to the method of claims 4,6-11. The apparatus is inherent in that it simply provides structure for the logical implementation found in claims 4,6-11.

Regarding claim 38, Startup et al. discloses all the claimed invention as set forth in the instant application, also Startup et al. discloses a apparatus and method for using multiple spreading codes for data transmission in a satellite communication system, in addition Startup et al. discloses a apparatus for facilitating messaging between a mobile device and a user (which reads on column 10 lines 36-46), the method comprising steps of: a plurality of reserved routing codes for exchanging messages between users and mobile devices (which reads on column 2 lines 60-67 and column 3 lines 1-30); means for in response to receiving a message from the user directed to the mobile device, temporarily associating one of the routing codes with the user (which reads on column 2 lines 60-67 and column 3 lines 1-30).

Regarding claims 26,28-33, they disclose an apparatus corresponding to the method of claims 4,6-11. The apparatus is inherent in that it simply provides structure for the logical implementation found in claims 4,6-11.

Allowable Subject Matter

2. Claims 5,16,27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

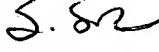
3. Applicant's arguments with respect to claims 4,6-11,17-22 and 26,28-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith 
October 1, 2007


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER